

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII
THE ESTATE OF ERIK A. POWELL,) Civil No.
THROUGH PERSONAL REPRESENTATIVE) CV04-00428LEK
MARY K. POWELL; THE ESTATE OF)
JAMES D. LAUGHLIN, THROUGH PERSONAL)
REPRESENTATIVE RAGINAE C. LAUGHLIN;))
MARY K. POWELL, INDIVIDUALLY;)
RAGINAE C. LAUGHLIN, INDIVIDUALLY;)
CHLOE LAUGHLIN, A MINOR, THROUGH)
HER NEXT FRIEND, RAGINAE C.)
LAUGHLIN,)
Plaintiffs,)
vs.)
CITY AND COUNTY OF HONOLULU,)
Defendant,)
and)
CITY AND COUNTY OF HONOLULU,)
Third-Party Plaintiff,)
vs.)
UNIVERSITY OF HAWAII, a body)
corporate; JOHN DOES 1-10, JANE)
DOES 1-10; DOE CORPORATIONS and)
DOE ENTITIES,)
Third-Party Defendants.)

DEPOSITION OF DANIEL NEVES

Taken on behalf of Plaintiffs at the Law Offices
of Ian L. Mattoch, 737 Bishop Street, Suite 1835,
Honolulu Hawaii, commencing at 2:00 p.m. on March
24, 2006, pursuant to Notice.

Before: WILLIAM T. BARTON, RPR, CSR NO. 391

EXHIBIT "24"

<p>1 debriefing process?</p> <p>2 A. As a contract?</p> <p>3 Q. Just in general, for the lifeguards.</p> <p>4 A. No way.</p> <p>5 Q. No?</p> <p>6 A. No contract gets debriefed.</p> <p>7 Q. What about the full-time, if you know?</p> <p>8 A. I'm not sure. But I'll -- because I</p> <p>9 stayed with C-Mo the whole time. He just didn't</p> <p>10 want to talk with them.</p> <p>11 Q. With?</p> <p>12 A. With the superiors. We just tell them,</p> <p>13 Yeah, whatever, bye.</p> <p>14 Q. You mean if the superiors wanted there</p> <p>15 to be a review, Clarence Moses would say, Ignore</p> <p>16 it?</p> <p>17 A. Yeah, whatever. Yeah.</p> <p>18 Q. What changes or rules or new rules were</p> <p>19 instituted after these drownings, if you know?</p> <p>20 A. Well, the walkie-talkies.</p> <p>21 Q. What changed?</p> <p>22 A. There was more of them.</p> <p>23 Q. At the time of these drownings, how many</p> <p>24 were there?</p> <p>25 A. I believe there was two in each tower.</p>	<p>Page 46</p> <p>1 separate relief person?</p> <p>2 A. After the drownings, yes. There was a</p> <p>3 patrol person, I should say.</p> <p>4 Q. And that person would relieve you guys?</p> <p>5 A. Yes, yes.</p> <p>6 Q. Did they also increase the number of</p> <p>7 guards within each tower?</p> <p>8 A. That were there all throughout the day,</p> <p>9 yes.</p> <p>10 Q. To what?</p> <p>11 A. Because most of the time, you only had</p> <p>12 one person, or sometimes two in the tower, because</p> <p>13 of breaks and so forth. And we'd get -- we get an</p> <p>14 hour break for exercise. We get an hour break for</p> <p>15 eating, you know. That's four hours right there,</p> <p>16 half a day from just two people. So half the</p> <p>17 time, you're in the tower by yourself.</p> <p>18 Q. So then there was an added person to</p> <p>19 each tower?</p> <p>20 A. Correct.</p> <p>21 Q. What else was different?</p> <p>22 A. They started putting up signs.</p> <p>23 Q. Where?</p> <p>24 A. On the top.</p> <p>25 Q. Top of the hill?</p>
<p>1 Q. And then after the accident, the</p> <p>2 drownings?</p> <p>3 A. Three.</p> <p>4 Q. Three in each tower? Yes?</p> <p>5 A. Yes.</p> <p>6 Q. Anything else changed?</p> <p>7 A. Manpower.</p> <p>8 Q. In what way?</p> <p>9 A. We got our own individual relief people.</p> <p>10 We also had a patrol person. We added another</p> <p>11 person that walked the ledges, and made sure</p> <p>12 everybody's okay.</p> <p>13 That was one of the things that the</p> <p>14 chief said okay to. And the rest he denied.</p> <p>15 Q. When you say relief for each person,</p> <p>16 prior to these two drownings, what was the relief</p> <p>17 situation?</p> <p>18 A. Backup from 3 Bravo or 3 Alpha.</p> <p>19 Q. At the time of these two drownings,</p> <p>20 there were two lifeguards in each tower; is that</p> <p>21 right?</p> <p>22 A. Correct.</p> <p>23 Q. And you relieved each other?</p> <p>24 A. Correct.</p> <p>25 Q. And then afterwards, there was a</p>	<p>Page 47</p> <p>1 A. Yes. Everything started changing.</p> <p>2 Q. You had mentioned earlier that the gate,</p> <p>3 on the date of these drownings, that would close</p> <p>4 off Witches Brew's ledge -- I mean the ledge that</p> <p>5 leads to Witches Brew was a nylon --</p> <p>6 A. Yes, but you could easily walk around</p> <p>7 it.</p> <p>8 Q. Can you explain what the nylon fence or</p> <p>9 gate looked like?</p> <p>10 A. It was, I believe it's green with just a</p> <p>11 regular peel.</p> <p>12 MS. WATERS: It's 3:00. Did you want</p> <p>13 to --</p> <p>14 MR. MAYESHIRO: Whenever you're at a</p> <p>15 convenient breaking point.</p> <p>16 BY MS. WATERS:</p> <p>17 Q. So radios, staffing. There was a guy</p> <p>18 who was --</p> <p>19 A. We had an eagle's nest now, we call it</p> <p>20 an eagle's nest. C-Mo, what he is doing now. He</p> <p>21 stays on top, where -- the Education Center is up</p> <p>22 top, and he scans for people that are going out</p> <p>23 too far for distance and so forth, to let the</p> <p>24 lifeguards at the bottom know where they are</p> <p>25 going.</p>